

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SENATE BILL 1469

AN ACT

AMENDING SECTION 15-1626, ARIZONA REVISED STATUTES; RELATING TO UNIVERSITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 15-1626, Arizona Revised Statutes, is amended to
3 read:

4 15-1626. General administrative powers of board

5 A. The board shall:

6 1. Have and exercise the powers necessary for the effective governance
7 and administration of the institutions under its control. To that end, the
8 board may adopt, and authorize each university to adopt, such regulations,
9 policies, rules or measures as are deemed necessary and may delegate in
10 writing to its committees, to its university presidents, or their designees,
11 or to other entities under its control, any part of its authority for the
12 administration and governance of such institutions, including those powers
13 enumerated in section 15-1625, subsection B, paragraphs 2 and 4, paragraphs
14 3, 4, 7, 8, 10 and 11 of this subsection and subsection B of this
15 section. Any delegation of authority may be rescinded by the board at any
16 time in whole or in part.

17 2. Appoint and employ and determine the compensation of presidents
18 with such power and authority and for such purposes in connection with the
19 operation of the institutions as the board deems necessary.

20 3. Appoint and employ and determine the compensation of
21 vice-presidents, deans, professors, instructors, lecturers, fellows and such
22 other officers and employees with such power and authority and for such
23 purposes in connection with the operation of the institutions as the board
24 deems necessary, or delegate its authority pursuant to paragraph 1 of this
25 subsection.

26 4. Remove any officer or employee when the interests of education in
27 this state so require in accordance with its personnel rules and policies.

28 5. Fix tuitions and fees to be charged and differentiate the tuitions
29 and fees between institutions and between residents, nonresidents,
30 undergraduate students, graduate students, students from foreign countries
31 and students who have earned credit hours in excess of the credit hour
32 threshold, except students whose chosen program requires for a degree
33 additional credit hours above the credit hour threshold. For the purposes of
34 this paragraph, the credit hour threshold is one hundred fifty-five hours in
35 fiscal year 2006-2007, one hundred fifty hours in fiscal year 2007-2008 and
36 one hundred forty-five hours after fiscal year 2007-2008. The amount of
37 tuition, registration fees and other revenues included in the operating
38 budget for the university adopted by the board as prescribed in paragraph 12
39 of this subsection shall be deposited, pursuant to sections 35-146 and
40 35-147. All other tuition and fee revenue shall be retained by each
41 university for expenditure as approved by the board. Except as provided in
42 subsection H of this section, the Arizona board of regents shall adopt rules
43 to govern its tuition and fee setting process that provide for the following:

1 (a) At least one public hearing at each university as an opportunity
2 for students and members of the public to comment upon any proposed increase
3 in tuition or fees.

4 (b) Publication of the notice of public hearing at least ten days
5 prior to the hearing in a newspaper of general circulation in Maricopa
6 county, Coconino county and Pima county. The notice shall include the date,
7 time and location of the public hearing.

8 (c) Public disclosure by each university of any proposed increases in
9 tuition or fees at least ten days prior to the public hearing.

10 (d) BEGINNING IN FISCAL YEAR 2006-2007 THROUGH FISCAL YEAR 2010-2011,
11 THE BOARD OF REGENTS SHALL PROVIDE ALL STUDENTS ATTENDING ARIZONA STATE
12 UNIVERSITY WITH THE OPTION TO SELECT THE FIXED TUITION PLAN PRESCRIBED IN
13 THIS SUBDIVISION. FOR FOUR CONSECUTIVE ACADEMIC YEARS FOLLOWING INITIAL
14 ENROLLMENT, OR FOR UNDERGRADUATE PROGRAMS THAT NORMALLY REQUIRE MORE THAN
15 FOUR YEARS TO COMPLETE, THE TUITION CHARGED AN UNDERGRADUATE STUDENT WHO IS A
16 RESIDENT OF THIS STATE AND WHO SELECTS THE FIXED TUITION PLAN SHALL NOT
17 EXCEED THE AMOUNT THAT THE STUDENT WAS CHARGED AT THE TIME THE STUDENT FIRST
18 ENROLLED IN THE UNIVERSITY, EXCEPT THAT IF THE STUDENT CHANGES MAJORS DURING
19 THIS TIME PERIOD, THE TUITION CHARGED THE STUDENT SHALL EQUAL THE AMOUNT THE
20 STUDENT WOULD HAVE BEEN CHARGED HAD THE STUDENT BEEN ADMITTED TO THE NEW
21 MAJOR WHEN THE STUDENT FIRST ENROLLED. THE BOARD OF REGENTS SHALL SUBMIT A
22 REPORT ON THE IMPLEMENTATION AND UTILIZATION OF THE FIXED TUITION PLAN TO THE
23 GOVERNOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
24 REPRESENTATIVES ON OR BEFORE JULY 1, 2011 AND SHALL PROVIDE A COPY TO THE
25 DIRECTOR OF THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS.

26 ~~(d)~~ (e) Final board action on changes in tuition or fees shall be
27 taken by roll call vote.

28 The procedural requirements of subdivisions (a), (b), (c), ~~and~~ (d) **AND** (e)
29 apply only to those changes in tuition or fees that require board approval.

30 6. Pursuant to section 35-115, submit a budget request for each
31 institution under its jurisdiction that includes the estimated tuition and
32 fee revenue available to support the programs of the institution as described
33 in the budget request. The estimated available tuition and fee revenue shall
34 be based on the tuition and registration fee rates in effect at the time the
35 budget request is submitted with adjustments for projected changes in
36 enrollment as provided by the board.

37 7. Establish curriculums and designate courses at the several
38 institutions which in its judgment will best serve the interests of this
39 state.

40 8. Award such degrees and diplomas upon the completion of such courses
41 and curriculum requirements as it deems appropriate.

42 9. Prescribe qualifications for admission of all students to the
43 universities. The board shall establish policies for guaranteed admission
44 that assure fair and equitable access to students in this state from public,
45 private, charter and home schools. For the purpose of determining the

1 qualifications of honorably discharged veterans, veterans are those persons
2 who served in the armed forces for a minimum of two years and who were
3 previously enrolled at a university or community college in this state. No
4 prior failing grades received by the veteran at the university or community
5 college in this state may be considered.

6 10. Adopt any energy conservation standards promulgated by the
7 department of administration for the construction of new buildings.

8 11. Employ for such time and purposes as the board requires attorneys
9 whose compensation shall be fixed and paid by the board. Litigation to which
10 the board is a party and for which self-insurance is not provided may be
11 compromised or settled at the direction of the board.

12 12. Adopt annually an operating budget for each university equal to the
13 sum of appropriated general fund monies and the amount of tuition,
14 registration fees and other revenues approved by the board and allocated to
15 each university operating budget.

16 13. In consultation with the state board of education and other
17 education groups, develop and implement a program to award honors
18 endorsements to be affixed to the high school diplomas of qualifying high
19 school pupils and to be included in the transcripts of pupils who are awarded
20 endorsements. The board shall develop application procedures and testing
21 criteria and adopt testing instruments and procedures to administer the
22 program. In order to receive an honors endorsement, a pupil must demonstrate
23 an extraordinary level of knowledge, skill and competency as measured by the
24 testing instruments adopted by the board in mathematics, English, science and
25 social studies. Additional subjects may be added at the determination of the
26 board. The program is voluntary for pupils.

27 14. Require the publisher of each literary and nonliterary textbook
28 used in the universities of this state to furnish computer software in a
29 standardized format when software becomes available for nonliterary
30 textbooks, to the Arizona board of regents from which braille versions of the
31 textbooks may be produced.

32 15. Require universities that provide a degree in education to require
33 courses that are necessary to obtain a provisional structured English
34 immersion endorsement as prescribed by the state board of education.

35 B. The board shall adopt personnel rules. All nonacademic employees
36 of the universities are subject to these rules except for university
37 presidents, university vice-presidents, university deans, legal counsel and
38 administrative officers. The personnel rules shall be similar to the
39 personnel rules under section 41-783. The rules shall include provisions for
40 listing available positions with the department of economic security,
41 competitive employment processes for applicants, probationary status for new
42 nonacademic employees, nonprobationary status on successful completion of
43 probation and due process protections of nonprobationary employees after
44 discharge. The board shall provide notice of proposed rule adoption and an
45 opportunity for public comment on all personnel rules proposed for adoption.

1 C. The ~~Arizona~~ board ~~of regents~~ may employ legal assistance in
2 procuring loans for the institutions from the United States government. Fees
3 or compensation paid for such legal assistance shall not be a claim upon the
4 general fund of this state but shall be paid from funds of the institutions.

5 D. The board shall approve or disapprove any contract or agreement
6 entered into by the university of Arizona hospital with the Arizona health
7 facilities authority.

8 E. The board may adopt policies which authorize the institutions under
9 its jurisdiction to enter into employment contracts with nontenured employees
10 for periods of more than one year but not more than five years. The policies
11 shall prescribe limitations on the authority of the institutions to enter
12 into employment contracts for periods of more than one year but not more than
13 five years, including the requirement that the board approve the contracts.

14 F. The board may adopt a plan or plans for employee benefits which
15 allow for participation in a cafeteria plan that meets the requirements of
16 the United States internal revenue code of 1986.

17 G. The board may establish a program for the exchange of students
18 between the universities under the jurisdiction of the board and colleges and
19 universities located in the state of Sonora, Mexico. Notwithstanding
20 subsection A, paragraph 5 of this section, the program may provide for
21 in-state tuition at the universities under the jurisdiction of the board for
22 fifty Sonoran students in exchange for similar tuition provisions for up to
23 fifty Arizona students enrolled or seeking enrollment in Sonoran colleges or
24 universities. The board may direct the universities to work in conjunction
25 with the Arizona-Mexico commission to coordinate recruitment and admissions
26 activities.

27 H. Subsection A, paragraph 5, subdivisions (a), (b), (c), ~~and~~ (d) **AND**
28 (e) of this section do not apply to fee increases that are set by individual
29 universities and that do not require approval by the Arizona board of regents
30 before the fee increase becomes effective.